

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:06CR338
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
v.)	
)	
IRFAN ITAYEM,)	
)	
Defendant.)	<u>FINAL ORDER OF FORFEITURE</u>

It appears to the Court that proper proceedings for the issuance of a Final Order of Forfeiture, as to the below-referenced firearms, have been had in this case as follows:

1. On July 6, 2006, a federal grand jury sitting in this district returned a 60 count indictment against Irfan Itayem, aka Irf, and 23 co-defendants. Count 1 of the indictment charged defendant Itayem with conspiring to possess with intent to distribute and to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine and a mixture or substance containing a detectable amount of

marijuana, in violation of 21 U.S.C. § 841(a)(1), § 841(b)(1)(A), and § 846.

2. Pursuant to 21 U.S.C. § 853, the indictment further sought the forfeiture to the United States of "any and all property constituting, or derived from, any proceeds [the defendants] obtained, directly or indirectly, as the result of [Count 1]; [and] any and all of their property used or intended to be used, in any manner or part, to commit or to facilitate the commission of [Count 1];" including the following:

a.) Mossberg 12-Gauge Shotgun, Serial Number L353766.

[IRFAN ITAYEM]

b.) Harrington & Richardson 12-Gauge Shotgun, Serial Number AX540998. [IRFAN ITAYEM]

c.) Mossberg 20 Gauge Shotgun, Serial Number L024189.

[IRFAN ITAYEM]

d.) Marlin .22 Caliber Rifle, Serial Number 15732199.

[IRFAN ITAYEM]

e.) Smith & Wesson .357 Handgun, Serial Number BRM0479.

[IRFAN ITAYEM]

3. On November 6, 2006, defendant Itayem entered a plea of guilty to the charge set forth in Count 1 of the indictment.

4. Also as part of the plea agreement:

a.) Pursuant to 21 U.S.C. § 853, defendant Itayem agreed to the forfeiture of the following properties to the United States:

the firearms identified in paragraphs 2(a) through 2(e), inclusive.

b.) Further, defendant Itayem agreed that these firearms are subject to forfeiture under 21 U.S.C. § 853 as they were derived from proceeds he obtained, directly or indirectly, as the result of the commission of the criminal activity charged in Count 1 of the indictment; and/or, were used, or were intended to be used, in any manner or part to commit or to facilitate the commission of the criminal activity charged in Count 1 of the indictment.

5. By the Preliminary Order of Forfeiture, dated November 29, 2006, the firearms identified in paragraphs 2(a) through 2(e), inclusive, were forfeited to the United States under 21 U.S.C. § 853 for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n).

6. Under 21 U.S.C. § 853(n), third parties asserting a legal interest in initially forfeited properties are entitled to a judicial determination of the validity of the legal claims or interests they assert.

7. The United States published notification of the Court's Preliminary Order of Forfeiture in the Cleveland Daily Legal News. Said notice advised all third parties of their right to petition the court within thirty (30) days of the final publication date for a hearing to adjudicate the validity of

their alleged legal interest in the initially forfeited properties. Attached hereto as Exhibit 1 is a copy of the notice.

8. No third party claims were filed as a result of the published notification.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED:

9. The following firearms are finally forfeited to the United States, and no right, title or interest shall exist in any other party:

a.) Mossberg 12-Gauge Shotgun, Serial Number L353766.
b.) Harrington & Richardson 12-Gauge Shotgun, Serial Number AX540998.

c.) Mossberg 20 Gauge Shotgun, Serial Number L024189.
d.) Marlin .22 Caliber Rifle, Serial Number 15732199.
e.) Smith & Wesson .357 Handgun, Serial Number BRM0479.

10. The United States shall seize and take control of these firearms, and shall dispose of them in accordance with law.

SO ORDERED this 30th day of January, 2007.

s/ James S. Gwin

James S. Gwin
United States District Judge